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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,465	02/06/2002	Carl R. Strathmeyer	042390p8943X4	1829

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EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

10/072,465

Applicant(s)

STRATHMEYER ET AL.

Examiner

Anh-Vu H Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kakizaki et al (US Patent No. 6,229,883). Hereinafter, referred to as Kakizaki.

With respect to claims 1, 7, 13, 16, 18, 21, 24 and 26, Kakizaki discloses in Fig. 1, a communication systems for transmitting voice over an Internet network 7. Herein, the telephone terminal of the caller-side subsystem transmits caller identification information to the caller-side local switch for displaying on the called party telephone terminal (transmitting over a packet data network information pertaining to an incoming call indicative of telephony monitoring and control functions to a first call processing device). As shown in Fig. 1, the caller-side local switch is located separately from the telephone terminals (nodes) of the caller-side subsystem

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and callee-side subsystem (first call processing device being located separately from any of at least two nodes of the packet data network). Kakizaki discloses in Fig. 6, a sequence diagram which shows the process of setting up a connection between a caller's telephone terminal and a callee's telephone terminal via the Internet and notifying the callee-side local switch of the caller's phone number (routing the incoming call to connect to a selected endpoint of the packet data network according to established rules and providing to a user information relating to the caller). As shown in Fig. 6, a message is sent to the local switch 36 of the callee-side subsystem for originating a call to callee (notifying a second call processing device regarding the incoming call routing). Herein, messages are generated and forwarded between the local switch and the called party (arranging through the second call processing device for a telephone communications session between the at least two nodes of the packet data network) and a connection is set up between the telephone terminal 31 and telephone terminal 37 (causing the telephone communications session between the at least two nodes of the packet data network to occur).

With respect to claims 2, 8 and 17, Kakizaki discloses in Fig. 8 that a call is determined to be transmitted over the Internet therefore identification information regarding to the caller is extracted and forwarded to the called party (determining the subject matter of the incoming call and obtaining information relating to the subject matter and displaying information relating to the caller and to the subject matter of the incoming call).

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With respect to claims 3, 9 and 29, Kakizaki discloses in Figs. 4 and 5, data records regarding the calling party, which can be viewed by the called party (enabling a user to access additional information relating to the caller and/or the incoming call).

With respect to claims 4 and 10, Kakizaki discloses in Fig. 4A that a record is determined by using subscriber line interface point as index value (utilizing indicia of the initiating caller to identify the caller).

With respect to claims 5 and 11, Kakizaki discloses in Fig. 5B, a table for matching the subscriber line interface point and the caller's phone number (utilizing the caller's telephone number to identify the caller).

With respect to claims 6, 12, 25, and 30, Kakizaki discloses (col. 11, lines 38-40) that such service features including a caller ID service which allows a called subscriber to see a caller's phone number on his/her telephone terminal (displaying information on a monitor or other display device that is accessible to a user).

With respect to claims 14, 19, and 22, Kakizaki discloses in Figs. 4 and 5, information regarding the caller (assigning an identifier for the incoming call and caching the incoming call in combination with the obtained information and the call identifier for later retrieval).

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With respect to claims 15, 20 and 23, Kakizaki discloses in Fig. 8, information regarding the caller is extracted and forwarded to the called party (retrieving and forwarding the incoming call and the obtained information to a user).

With respect to claim 27, Kakizaki discloses in Fig. 6 that messages are generated and forwarded between the local switch and the telephone terminals (plural applications computers are configured to issue instructions to a single gatekeeper).

With respect to claim 28, Kakizaki discloses in Fig. 6, a connection is established between the telephone terminals by the local switch and server (gatekeeper establishes the telephone calls between at least two endpoints in the data network).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakizaki et al (US Patent No. 6,229,883).

With respect to claim 31, Kakizaki discloses in Fig. 1, a communications system for voice transmissions over an IP network. Kakizaki does not disclose wherein applications computer is arranged to communicate with the caller and the user via voice recognition and voice

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synthesis techniques. However, communications via voice recognition and voice synthesis techniques are known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the features of having voice recognition and voice synthesis techniques in Kakizaki's system, to speed up the process of inputting information since the rate of speaking is faster than punching in information.

With respect to claim 32, Kakizaki discloses in Fig. 6, the user of the telephone terminal 37 is the called party (wherein the user is a called party).

With respect to claim 33, Kakizaki discloses in Fig. 6, the server initiates messages for setting up a connection via the Internet 34 (applications computer is configured to instruct a gatekeeper to initiate a call and to wait a message from the gatekeeper to complete the call).

With respect to claim 34, Kakizaki discloses in Fig. 8 that a call is determined to be transmitted over the Internet therefore identification information regarding to the caller is extracted and forwarded to the called party (wherein the gatekeeper is programmed to inform the applications computer when the information regarding the identity of the calling party is acquired).

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Srinivasan (US Patent No. 5,724,412) discloses method and system for displaying Internet identification on customer premises equipment.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER
11/24/03